

Appl. No. 10/597,869  
Amdt. Dated January 28, 2009  
Reply to Office action of October 28, 2008  
Attorney Docket No. P19251-US1  
EUS/GJ/P/09-1020

**Amendments to the Drawings:**

The attached drawing sheets include changes to Figures 1, 4A, 4B, 4C, 5C and 6.

Attachment: Submittal of Drawing Replacement Sheets

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicant have amended claims 11-13 and 16-18; no new matter has been added. Claims 11-20 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Examiner Objections – Drawings**

The Examiner objected to Figures 1, 4A, 4B, 4C, 5C and 6 of the drawings for certain typographical errors. The Applicants have corrected those figures as suggested by the Examiner. The Examiner's approval of the drawing change is respectfully requested.

### **3.) Claim Rejections – 35 U.S.C. §112, 1<sup>st</sup> Paragraph**

The Examiner objected to claims 11 and 16 as failing to comply with the enablement requirement. The Applicants have amended claim 11 and 16 to more particularly point out and distinctly claim the subject matter that Applicants regard as the invention. The amendments clarify that although the claimed "events" that can trigger a delayed registration are "power consuming" events, it is not necessary to actually compute the total power consumed by the events in order to realize the advantages of the invention over the prior art and, therefore, the claim elements relating thereto have been deleted. All other claim limitations remain and are clearly supported by the specification. Examples of such power consuming events, as described in the specification, are recited in claims 12, 13, 17 and 18.

### **4.) Claim Rejections – 35 U.S.C. §102(b)**

The Examiner rejected claims 11, 14-16, 19 and 20 as being anticipated by Ohlsson, *et al.* (U.S. Patent Publication No. 2002/0068571). The Applicants traverse the rejections.

It is to be remembered that anticipation requires that the disclosure of a single piece of prior art reveals every element, or limitation, of a claimed invention. Furthermore, the limitations that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept. Whereas Ohlsson fails to anticipate each and every limitation of claims 11, 14-16, 19 and 20, those claims are not anticipated thereby.

Claim 11 recites:

11. A method for registration of a drift Radio Network Controller (DRNC) to be capable of handling user equipment units (UE) supporting multimedia broadcast multicast service (MBMS), said method performed in a radio network control node acting across an Iur interface as a drift radio network control node for one or more user equipment units registering for a MBMS session, said method comprising the steps of:

defining a counter and a first threshold value;  
using the counter for counting of a set of power consuming events occurring at the drift radio network control node; and,  
delaying registration of the drift radio network control node with a core network node until the counter has exceeded the first threshold value. (emphasis added)

The Applicants invention is directed to a method of registration of a drift Radio Network Controller (DRNC) with a core network node. The method is characterized by using a counter to register power consuming events occurring at the DRNC node and, only when the count of such events exceeds a threshold value is the DRNC registered with the core network node. The advantage of Applicants' invention is that it guards against any tendency of the DRNC to send a registration request too early to the core network; if a request is sent too early, it may turn out that the number of user equipment units requesting MBMS service has decreased significantly before the session begins. Ohlsson is not directed to that problem, nor does it disclose how to solve it.

With respect to the claimed power consuming "events" and the counting thereof, the Examiner refers to certain stated "events" disclosed in Ohlsson. According to the teachings of Ohlsson, however, the "events" are when a measured pilot signal exceeds

or falls below a threshold. Even if the occurrence of a measured pilot signal exceeding or falling below a threshold is considered a "power consuming event," Ohlsson does not disclose counting how many times a measured pilot signal exceeds or falls below a threshold, much less delaying registration of a DRNC with a core network node as a function of such counted events exceeding a threshold. Ohlsson only teaches performing a *soft handover* when the *single* event of a measured pilot signal exceeds or falls below a threshold. Thus, Ohlsson fails to teach each and every limitation of claim 11 and, therefore, claim 11 is not anticipated thereby.

Whereas claim 16 recites limitations analogous to those of claim 11, it is also not anticipated by Ohlsson. Similarly, whereas claims 14 and 15 are dependent from claim 11 and claims 19 and 20 are dependent from claim 16, and include the limitations of their respective base claims, they are also not anticipated by Ohlsson.

##### 5.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claims 12, 13, 17 and 18 as being unpatentable over Ohlsson in view of Meago (U.S. Patent Publication No. 2004/0223513). The Applicants traverse the rejections.

As established *supra*, Ohlsson fails to anticipate claim 11 because it does not teach counting how many times a power consuming event occurs, much less delaying registration of a DRNC with a core network node as a function of such counted events. Claims 12, 13, 17 and 18 recite specific examples of such power consuming events, which the Examiner acknowledges are not taught by Ohlsson. To overcome that deficiency of Ohlsson, the Examiner looks to the teachings of Meago.

In rejecting claim 12, the Examiner refers to paragraph 54 of Meago, wherein a "chain of [ ] events" relating to the establishment and termination of MBMS service. Paragraph 54 of Meago, however, fails to teach counting how many times a power consuming event occurs, much less delaying registration of a DRNC with a core network node as a function of such counted events. Thus, Meago fails to overcome the deficiency in the teachings of Ohlsson and, therefore, the Examiner has not established a *prima facie* case of obviousness for claim 12. Whereas the Examiner rejected claim

17, which recites analogous limitations, for the same reasons, the Examiner also has not established a *prima facie* case of obviousness for claim 17.

In rejecting claim 13, the Examiner refers to paragraph 46 of Meago, which describes counting the number of multicast subscribers in a particular cell that wish to receive a multicast session, and paragraph 59, which describes a service availability period. Neither of those paragraphs, however, teach counting how many times a power consuming event occurs, much less delaying registration of a DRNC with a core network node as a function of such counted events. Thus, Meago fails to overcome the deficiency in the teachings of Ohlsson and, therefore, the Examiner has not established a *prima facie* case of obviousness for claim 13. Whereas the Examiner rejected claim 18, which recites analogous limitations, for the same reasons, the Examiner also has not established a *prima facie* case of obviousness for claim 18.

\* \* \*

Appl. No. 10/597,869  
Arndt. Dated January 28, 2009  
Reply to Office action of October 28, 2008  
Attorney Docket No. P19251-US1  
EUS/GJP/09-1020

**CONCLUSION**

In view of the foregoing amendments and remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all objections and rejections and issue a Notice of Allowance for claims 11-20.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

/Roger S. Burleigh, Reg#40542/

Roger S. Burleigh  
Registration No. 40,542

Date: January 28, 2009

Ericsson Inc.  
6300 Legacy Drive, M/S EVR 1-C-11  
Plano, Texas 75024

(972) 583-5799  
roger.burleigh@ericsson.com